

FILED

FOR PUBLICATION

MAR 12 2010

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

**DANIEL GUGGENHEIM; SUSAN
GUGGENHEIM; MAUREEN H.
PIERCE,**

Plaintiffs - Appellants,

v.

**CITY OF GOLETA, a municipal
corporation,**

Defendant - Appellee.

No. 06-56306

D.C. No. CV-02-02478-FMC

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.